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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,928	11/03/2003	William T. Campbell	H0005818 - 1626	5956

7590 11/01/2005  
Honeywell International Inc.  
Law Department, AB/2  
Post Office Box 2245  
Morristown, NJ 07962-2245

EXAMINER
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REHM, ADAM C

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

10/700,928

<b>Applicant(s)</b>	
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CAMPBELL ET AL.

**Examiner**

**Adam C. Rehm**

**Art Unit**

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/9/2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1, 4-8, 12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/20/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. In light of the cancelled claims, the drawings filed on 11/3/2003 are accepted.

### ***Specification***

2. In light of the cancelled claims, the specification is accepted.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 9-11, 16 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter regarding the claimed third illumination source for a third mode adjacent a second NVIS filter lacks adequate description. Specifically, the description fails to define the type of light source and filter and their relationship to the third mode, given the system described is directed to a dual mode.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-8, 12, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by JOHNSON (US 6,842,204).

5. In regards to Claim 1, JOHNSON provides: at least one first illumination source (120 of Fig. 1) comprising a first mode (Column 3, Lines 3-8); an NVIS filter (160) adjacent to said at least one first illumination source (120), at least one second illumination source (150) comprising a second mode (Column 4, Lines 19-23); and a filter means (160) adjacent to said at least one second illumination source (150) for suppressing an excitation of said at least one second illumination source (150) caused by said at least one first illumination source (120).

6. Notable, with respect to the term "suppression" and JOHNSON Figure 1, it is possible that upon activation of the first illumination source (120), light would travel to the second illumination source (150) and cause excitation. Light produced by the second illumination source would then be suppressed and otherwise contained within unit 100 by use of the NVIS filter 160.

7. Regarding Claim 4, JOHNSON discloses at least one first illumination source with at least one light emitting diode (120) comprising a first color (Column 2, Lines 63-67) and at least one second illumination source with at least one light emitting diode (150) comprising a second color (Column 2, Lines 63-67).

8. Regarding Claim 5, JOHNSON discloses a filter (160) for attenuating a first predetermined wavelength and for transmitting a second predetermined wavelength (Column 3, Lines 44-49).
9. Regarding Claim 6, JOHNSON discloses a filter means (160) for attenuating phosphorescent light emitted by the at least one second illumination source (Column 3, Lines 44-49 and Figure 1).
10. Regarding Claim 7, JOHNSON discloses a filter means (160) that is a hot mirror (Column 3, Lines 44-49).
11. Regarding Claim 8, JOHNSON discloses a filter means (160) that is a notch filter (Column 3, Lines 44-49).
12. Regarding Claim 12, JOHNSON discloses filtering a first illumination source (120) comprising a first mode (Column 3, Lines 3-8) with an NVIS filter (160); suppressing (Figure 1) an excitation of a second illumination source (150) comprising a second mode (Column 4, Lines 19-23) caused by said first illumination source (120) with a filter (160).
13. Regarding Claim 14, JOHNSON discloses suppressing via attenuating a first predetermined wavelength and for transmitting a second predetermined wavelength (160 and Column 3, Lines 44-49).
14. Regarding Claim 15, JOHNSON discloses attenuating phosphorescent light emitted by the at least one second illumination source (160, Column 3, Lines 44-49 and Figure 1).

***Allowable Subject Matter***

15. Claims 2, 3 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Notably, these claims incorporate exposure-limiting apertures into the claimed invention. Examiner was unable to locate a prior art reference that employs apertures as claimed.

***Response to Arguments***

16. Applicant argues that none of the optical elements as described Johnson preferentially attenuate the near infrared portion of the spectrum while transmitting the visible portion of the spectrum as does an appropriately designed NVIS filter or hot mirror filter or notch filter and that any secondary emission from the normal mode lighting system caused by the illumination from the Johnson NVIS light sources would not be properly filtered to permit operation with NVIS filters.

17. In response, applicant's argument is not supported by the claim. There is no "near infrared portion of the spectrum" claimed. Johnson adequately discloses the claimed structure. It is the position of the Office Action that the NVIS filter (160) of Johnson adequately defines the filter means being capable of suppressing an excitation of the second illumination source (140,150) since it is stated to be capable of absorbing or reflecting lamp emissions between 610 nm and 930 nm (col.3, lines 44-49), which includes filtering all infrared radiation (e.g. near-infra red). Therefore, the rejection of the claims as being anticipated by Johnson is maintained.

18. Applicant further argues that Johnson does not describe the interaction between the illumination sources used for the two modes of operation, that Johnson does not describe the influence of the NVIS filtered light and that Johnson fails to discuss the phosphorescence.

19. In rebuttal, applicant has not clearly distinguished the time or spatial relationships of either mode of the first and second light sources with filter(s), that the claim is interpreted broadly and adequately met by the disclosed structure of Johnson, with Johnson's NVIS filter filtering twice relative to each of the first and second light sources. The light from the second light source (140,150) excited by first light source (120) would be made NVIS compliant by the adjacent filter (160). In regards to the phosphorescence, it is considered inherent that second light source (140,150) of Johnson would be made to phosphoresce by the light or filtered light of first light source (120), since LEDs have phosphors that react to certain radiation.

20. Applicant argues that Johnson does not teach or imply using a second filter. In response, applicant's claim does not clearly claim a second filter, and therefore there is no clear distinction between the claimed NVIS filter and filter means, that the NVIS filter of Johnson is positioned as claimed and adequately performs as the filter means and that all light passing in both directions of the NVIS filter are NVIS compliant.

21. Applicant's argument in both the remarks and affidavit are not clearly supported by the claims. Given the above, the rejection of the claims as being anticipated by Johnson is maintained.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Correspondence***

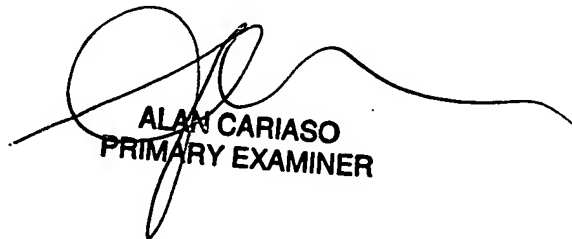
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR  
10/25/2005



ALAN CARIASO  
PRIMARY EXAMINER